

Remarks

Claims 1-10 and 21 are pending in the present application.

1.) Rejections for Obviousness under 35 USC §103:

Claims 1-10 and 21 are rejected for Obviousness under 35 U.S.C. §103 for obviousness. Claims 1 and 21 are independent. Claims 2-10 depend from independent Claim 1.

a.) Claims 1 and 21:

The Examiner has rejected Claims 1-3, 6, 8- 10 and 21 as being obvious over US Patent 6,509,841 (Colton) in view of US Patent 5,963,551 (Minko). Specifically, the Examiner states that Colton teaches “receiving ordered data signals from the meter” while Minko teaches “analyzing the data signals to detect a missing signal” and “compensating for the missing signal by adding a predetermined value to a sequence counter”. The Examiner concludes that it would be obvious to one of ordinary skill in the art to combine Colton with Minko.

In response, Applicant notes that the each claim recites the detection and compensation for a missing data signal by adding a predetermined value to a sequence counter. Paragraph 0054 of the specification states that “[o]nce a missed signal is detected, measures to compensate for the error are taken by the system”. In the example discussed in Paragraph 0055 and shown in Figure 18, “the system compensates [for the missing signal] by adding 4 to the REG UP counter” (emphasis added). In another example discussed in Paragraph 0056, “the system will compensate for the missed signal by adding 4 to the REG DN counter” (emphasis added). In each of these examples, the invention will compensate for a missed signal by adding a predetermined value (in these examples, the predetermined value is “4”) to a sequence counter as recited in Claims 1 and 21.

In contrast, Minko teaches the retransmission of lost data packets. Specifically, Minko states that “[i]n the event the return index indicates an unacceptable number of packets have not been received at their destination within a limited time, the system

causes at least some of the lost packets to be *retransmitted*" (emphasis added). *Abstract of Minko*. The passage of Minko cited by the Examiner in the present office action states "[i]f the percentage of lost packets--which can be seen to correspond to signal degradation--exceeds a predetermined threshold, the recovery process is initiated." *Column 7, Lines 37-39*. The recovery process is shown in Figure 4 and the process represents the branch of step 345 shown in Figure 3. *Column 8, Lines 59-62*. Minko continues "[a]t step 420 the Sender sets up encoder parameters to begin *retransmitting* the lost packets to cause the data to be recovered, including recycle buffer queue size and the array of indexes" (emphasis added). *Column 9, Lines 20-24*.

Consequently, it is clear from these passages that the Examiner is incorrect in his assertion that Minko teaches compensating for the missing signal by adding a predetermined value to a sequence counter. Instead, Minko clearly teaches a method of retransmitting lost data once a missing data signal is detected. Therefore, the present rejection fails for at least these reasons and withdrawal of this rejection is respectfully requested.

b.) Claims 2, 3 and 6-10:

The Examiner has rejected Claims 2, 3 and 6-9 as being obvious over Colton in view of Minko. Since Claims 2, 3, and 6-9 are dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 1.a.

c.) Claims 4 and 5:

The Examiner has not made a rejection that addresses Claims 4 and 5. However, in the previous office action dated 06/30/2006, the Examiner had rejected these claims as being obvious over Colton in view of Herzl in view of Minko and in further view of US Patent 5,495,438 (Omura). In the present rejection, the Examiner has substituted the teachings of Minko for Herzl. Consequently, the Applicant will presume in good faith that the Examiner would maintain the rejection of these claims as an obvious combination of Colton in view of Minko and in further view of Omura.

In response, the Applicant notes that since Claims 4 and 5 are dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 1.a.

d.) Claim 7:

The Examiner has rejected Claim 7 as being obvious over Colton in view of Minko and in further view of US Patent 4,538,119 (Ashida). Since Claim 7 is dependent from independent Claim 1, this rejection is overcome for at least the reasons mentioned previously in Section 1.a.

2.) Conclusion:

In view of the preceding remarks, all of the outstanding rejections have been overcome. A notice of allowance for all pending claims is respectfully requested. Please apply any additional fees or credits to Deposit Account #: 50-0954, Reference #: N2215-63142.

Respectfully Submitted,

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